

REMARKS

Favorable action on the merits is solicited in view of the foregoing amendments and the following remarks.

I. Claim Status & Amendments

Claims 16-28 are pending and subject to restriction.

Based on the teachings of the instant application, Applicants note that for the diagnosis of Parkinson's disease (PD) the alteration of expression of one or more genes, and preferably, a group of genes should be detected. Further, Applicants note that the detection of genes having increased level of expression and genes having decreased level of expression is preferable. Accordingly, Applicants have replaced the term "and/or" in claims 18-21 and 27 with the term "and" as supported by the general disclosure and the original claims as filed (e.g., original claim 4). No new matter has been added.

Applicants further note that the detection of decreased expression of at least 5-8 genes (of the longer list of 68 or of the shorter list of 13 genes) and increased expression of at least 5-8 genes (of the longer list of 69 or the shorter list of 12 genes) is preferred for the diagnosis of PD. New claims 29 and 30 have been added to reflect this embodiment. Support can be found throughout the general disclosure and original claims. No new matter has been filed.

Also, it should be noted that claim 21 defines a group of 13 genes in which the level of expression is decreased in PD patients and a group of 12 genes in which the level of expression is increased in PD patients. New claim 30 has been added to reflect this embodiment by defining this same sets of genes along with the addition of gene HIP2 as a gene with decreased level of expression and the gene CSK as a gene with increased level of expression. The two added genes are supported by claims 16, 18 and 20.

Other non-narrowing amendments have been made to the claims to better conform to US claim form and practice. Such revisions are non-substantive and not intended to narrow the scope of protection.

Claims 16-30 are pending upon entry of this amendment.

II. Response to Restriction

In items 1-2 on page 2 of the Official action of April 2, 2009, the Examiner stated that the application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1:

Group 1 - claims 16-26 drawn to methods of diagnosis of Parkinson's disease (PD) by differential expression of one or more genes; and

Group 2 - claims 27-28 drawn to methods of screening an agent useful in screening agents for treating Parkinson's disease (PD).

The Examiner contends that Group 1 and Group 2 do not relate to a single general inventive concept because they lack the same or corresponding special technical features. The Examiner cites Galter et al., (2003) as allegedly teaching that ALDH1A1 expression is decreased in Parkinson Disease, and concludes that the invention of Group 1 lacks special technical features over the prior art and thus lacks unity of invention.

In reply thereto, Applicants hereby elect, with traverse, the invention of Group 1, claims 16-26, drawn to methods of diagnosis of Parkinson's disease (PD) by altered expression of genes.

In item 3 on pages 2-3, the Examiner has required a further restriction by selecting a specific gene or a combination of genes for group 1 and group 2.

In reply, Applicants elect, with traverse, the specific combination of a group of genes comprising genes with a decreased level of expression: ALDH1A1, ARPP-21, HSPA8, SKP1A, SLC18A2, SRPK2, TMEFF1, TRIM36, ADH5, PSMA3, PSMA2, PSMA5, PSMC4, HIP2, and genes with an increased level of expression of the genes: EGLN1, EIF4EBP2, LGALS9, LOC56920, LRP6, MAN2B1, PARVA, PENK, SELPLG, SPHK1, SRRM2, ZSIG11, CSK.

It is respectfully submitted that at least claims 16, 18, 20, 22-26 and 29-30 read on the elected genes.

The traversal to the above requirements is as follows.

Applicants note that the unifying feature of the invention is the concept that altered expression of a group of one or more genes (e.g., a group of genes) is utilized for the detection of PD. The claims have been amended to reflect this concept. Further, it is believed that the teachings of Galter et al. are not relevant to this concept. Thus, it is respectfully submitted that all of the claims now present in the case are directed to a single special technical feature that defines a contribution over the prior art and that unity of invention for Groups I and II should be recognized.

Therefore, Applicants believe that all of the claims are sufficiently related so as to warrant a search and examination of all the claims in their full scope. Thus, withdrawal of the Restriction Requirements is requested. Such action is respectfully requested at this time.

In the event that the Office disagrees with the traversal and maintains the Restriction Requirements, then kindly consider the possibility of rejoinder of the non-elected subject matter, upon a determination of allowance of the election invention, per U.S. practice and M.P.E.P.

§821.04.

Appln. No. 10/586,523
Amd. dated May 4, 2009
Reply to Office Action of April 2, 2009

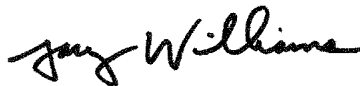
III. Conclusion

Favorable action on the merits is solicited in view of the foregoing amendments and remarks.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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